

REMARKS

This amendment amends the paragraph located on page 10, at lines 22-34 of the specification to comply with the USPTO sequence listing rules, by adding a reference to SEQ. ID. NO. 3. This does not add new matter to the specification.

The amendment presents the claims as amended in the August 2, 2007 filing. In that amendment, claims 1-11 were amended, and claims 12-16 were added. Claims 12-16 are substantially similar to claims 7-11, and depend from claim 1. The application now includes claims 1-16.

The amendment made August 2, 2007 should be entered and considered in the case. The discussion below presents the arguments made in the filing of August 2, 2007.

Claims 1-11 were rejected under 35 U.S.C. 112 and under 35 U.S.C. 101. Both rejections are traversed.

Both rejections appear to stem from differences between European and U.S. patent practice. As originally filed, the claim 1 specified that vaccination would be achieved by a mucosal route and claim 6 specified that vaccination would be achieved by a non-mucosal route. The invention provides a method of vaccinating where a particular adjuvant is used.

To address the issues raised by the Examiner, independent claims 1 and 6 have been amended to recite providing steps whereby the adjuvant is provided in one step and the antigen is provided in another step. Both steps can be achieved simultaneously as is evident from the specification and dependent claims. In addition, the dependent claims have been amended to address indefiniteness issues and to make them flow from a U.S. style method claim.

The claims as amended now fully comply with all of the requirements of 35 U.S.C. 112 and 35 U.S.C. 101. However, it should be understood that the scope of the claimed subject matter has not been changed.

The undersigned notes that patent application at page 6, line 20, identifies DE 19652586 which is a priority document for USSN10/748,033, which itself is a continuation of USSN 09/716,778, and that the copending application USSN 10/748,033 makes no reference to use as mucosal adjuvants as required by claim 1 of the present application, and does not satisfy the

provisos specified in claim 6.

As revised, claims 1-16 should now be in immediate condition for allowance. Reconsideration and allowance at any early date is requested.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

If any extensions of time are required to gain entry of this amendment, provisional petition therefore is hereby made.

Please charge any underpayment or credit any overpayment of fees to attorney's deposit account #50-2041.

Respectfully submitted,



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